MONTANA LEGISLATIVE HISTORY

Chapter 649 19 79

Bill H 475 S _____ Original bill & history ✓ C

H. Committee on Judiciary			S. Committee on Business & Industry (S)		
Hearing Date(s)	2/5	C	Hearing Date(s)	Judiciary	C
	2/6	C		3/15	C
		C		3/15	C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

CHAPTER NO. 149

HOUSE BILL NO. 475

INTRODUCED BY KEMMIS, REGAN, GALT, YARDLEY, IVERSON, S. BROWN, SCULLY

IN THE HOUSE

January 30, 1979	Introduced and referred to Committee on Judiciary.
February 7, 1979	Committee recommend bill do pass. Report adopted.
February 8, 1979	Printed and placed on members' desks.
February 9, 1979	Second reading, do pass.
February 10, 1979	Considered correctly engrossed.
February 12, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 13, 1979	Introduced and referred to Committee on Business and Industry.
March 1, 1979	Rereferred to Committee on Judiciary.
March 16, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 19, 1979	Motion pass consideration.
March 20, 1979	Second reading, concurred in.
March 23, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 24, 1979	Returned from second house. Concurred in as amended.
March 26, 1979	On motion consideration passed until the 71st Legislative Day.
March 29, 1979	Second reading, amendments rejected.
	On motion Joint Conference Committee requested.
March 30, 1979	Joint Conference Committee appointed.
April 9, 1979	Joint Conference Committee reported.
April 10, 1979	Second reading, pass consideration.
April 11, 1979	Second reading, rejected.
	On motion Free Joint Conference Committee requested.
April 12, 1979	Free Joint Conference Committee appointed.
April 17, 1979	Free Joint Conference Committee reported.
April 18, 1979	Second reading, adopted.
	Third reading, adopted.
	Adopted by second house.
April 19, 1979	Sent to enrolling.
	Reported correctly enrolled.

House BILL NO. 475

INTRODUCED BY Kemmis Eggar Hyatt Yardley
Iverson S. Brown Duty

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 31-1-110, MCA, TO CHANGE THE INTEREST RATE ON JUDGMENTS FROM 6% PER ANNUM TO 10% PER ANNUM."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 31-1-110, MCA, is amended to read:

"31-1-110. Interest -- judgment. Interest is payable on judgments recovered in the courts of this state at the rate of 6% 10% per annum and no greater rate. Such interest must not be compounded in any manner or form."

-End-

HB 475
INTRODUCED BILL

Judiciary COMMITTEE

46th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 456	change method of appointment commissioner of campaign finances & practices, etc.	1/29	Eudaily	Friday 2nd	pass	2/6
SB 120	revise relating to corporations & partnerships	1/29	VValkenburg	Friday 2nd	concurred in	3/5
HB 452	facility siting act - exempting electric generating facilities etc.	1/30	Conroy	Monday 5th	pass	2/9
HB 464	remove requirement that a youth waive rights only with advice of counsel etc. over age 12	1/30	Keyser	Monday 5th	pass	2/6
HB 475	change interest rate on judgments from 6% to 10%	1/30	Kemmis	Monday 5th	pass	2/6
SB 165	increase provision setting maximum value on vehicles title - by right of survivorship	1/30	VValkenburg	Monday 5th	concurred	3/5

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
February 5, 1979

The regular meeting of the Judiciary Committee was called to order in Room 104 of the Capitol Building at 8:00 a.m. with all members present except Representative Eudaily, excused. Scheduled for hearing were House Bills 452, 464, 475, 493, 500, 505 and Senate Bill No. 165.

HOUSE BILL NO. 464: Representative Conroy said that since the department people did not show up for the hearing he would move to kill the bill.

HOUSE BILL NO. 493: Representative Cooney stated that this bill was introduced at the request of the Department of Justice. He went through the bill and explained it briefly. It allows a grace period for motor vehicle dealer license renewal.

Mr. Cooney said his witness had not come.

JERRY RONIG: Montana Automobile Dealers Association. We support the bill.

Representative Keedy asked why there was a need for the six month grace. Does it take that long. Some discussion about this. The hearing closed on House Bill No. 493.

HOUSE BILL NO. 500: Representative Lory said that this is a companion bill to House Bill No. 432 which we heard the other day. A person who sells or furnishes to any person any of the substances such as phenyl-2-propanone or methylamine or such substances must submit a report to the department of justice detailing such transactions. The Department of Justice may adopt, amend or repeal rules in accordance with the Montana Administrative Act. The intent of the bill is to keep some measure of control for these substances. He gave a copy of the statement of intent.

TOM HONZEL: County Attorneys Association. This bill will help in controlling those precursors and see that they are not getting into the illegal drug traffic.

Representative Kemmis asked that subsection 1 be explained, and Mr. Lory said that that allows time to add temporary substances.

There was no further discussion and no other questions and the hearing closed on House Bill 500.

HOUSE BILL NO. 475: Representative Kemmis. This bill raises the interest that runs on judgments. The present rate is 6% so that if someone acquires a

It would appear that there is something missing between Page 1 and Page 2, but the Law Library's minutes don't have it. The page numbers correspond, but some text seems to be lacking.

To further inquire, please check at the Montana Historical Society, 406-444-2681.

he could get a higher rate of interest than now allowed. There are several inequities to this and one of them is that if a person gets a judgment and he is entitled to it, what the judge would do is reduce the award to its present value. When they reduce it to the present value they do it to the current rate of interest. From the plaintiffs point of view this is very unfair. He discussed the appeal and that they could be making money on the plaintiff from interest during the appeal. It may be that the rate I am asking is not the rate exactly that this committee would think is fair but I do think it is best that we change this.

MIKE MELOY: Montana Trial Lawyers. This bill has been a long time in coming. This was first introduced in 1933. He discussed this and that the rate of interest was 4%. It is very difficult to get a commercial loan at 10%, so I think the 6% interest rate is very unfair. He talked about the low rate of interest.

Representative Roth asked if the rate of interest could vary with the prime, and Representative Kemmis said that was possible. With no further questions the hearing closed on House Bill No. 475.

SENATE BILL NO. 165: Senator Van Valkenburg as sponsor of this bill said that it would raise the maximum value on vehicles for which title is issued by right of survivorship. He mentioned the various parts of the bill, the number of days, transfer of ownership and explained them briefly.

LARRY JARRIS: The only change is on Page 4, line 9, the rest is legal language changes.

There was no further discussion and the hearing closed on Senate Bill 165.

HOUSE BILL NO. 505: Representative Lund, the sponsor of the bill was not present.

LES LOBEL: American Counsel of Life Insurance. I am here in opposition to this bill. It appears this bill would raise the insurance of one segment of the buying public, one group would be a special target. I suggest that those people who buy insurance are not necessarily those who pay taxes, and they should not have their premiums raised to fund state institutic

The hearing closed and will continue on Thursday, February 8th.

HOUSE BILL NO. 464: Representative Rosenthal called the Chairmans attention to the fact that proponents for this bill had come into the room. Representative Keyser

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
EXECUTIVE SESSION
February 6, 1979

Following the regular meeting the committee went into executive session to take action on pending bills. The meeting was called to order by Chairman Scully at 8:10 a.m. in room 436 of the Capitol Building on Tuesday, February 6, 1979. All members were present except Representative Eudaily, in the hospital.

HOUSE BILL NO. 506: Representative Lory moved to "table" and the motion carried with the vote unanimous.

HOUSE BILL NO. 514: Representative Keyser moved "do pass" and the motion carried with the vote unanimous. Representative Lory moved to place it on the consent calendar. Representative Roth voted "no" for the consent calendar and it did not carry.

HOUSE BILL NO. 422: Representative Keedy moved to amend line 1, page 2 as follows: Strike: "a", and strike "drug" and insert "drugs". The motion carried with the vote unanimous. He also moved to amend page 2, line 2, by striking "to exceed" and inserting "less than 2 years or more than". The motion carried after much discussion. Representative Holmes talked against the motion and voted "no" on the motion. Representative Day also voted "no".

There was discussion about suspension of sentences. Representative Lory moved "do pass as amended". The motion carried with the vote unanimous. The committee moved to attach a statement of intent to the bill.

HOUSE BILL NO. 500: Representative Lory moved "do pass" Representative Keedy moved to amend page 2, line 6 by striking "regulation" and inserting "rule". The motion carried with the vote unanimous.

There was much discussion about the section. Representative Lory moved to amend page 2, lines 4, 5 and 6, following: 50-32-101, by striking those lines in their entirety. The motion carried with the vote unanimous. This will negate the first amendment since the section will no longer be there.

The committee moved and voted by unanimous consent to attach a statement of intent to the bill. The motion to pass carried with the vote unanimous.

HOUSE BILL NO. 493: Representative Lory moved "do pass". Representative Day talked against the special exemption this would give. There was general discussion about this.

Representative Keyser moved to amend page 2, line 7, following: "February" to strike "15" and insert "1". The motion carried with the vote 9 to 7.

Representative Keyser moved "do pass as amended". The motion carried with Representatives Conroy and Seifert voting "no".

HOUSE BILL NO. 475: Representative Holmes moved "do pass". There was discussion about the rate of interest. The question was called and the motion carried with Representative Conroy voting "no".

HOUSE BILL NO. 464: Representative Keyser moved "do pass". Representative Lory moved a substitute motion "do not pass".

Representative Kemmis moved to amend the new subsection. He withdrew the motion. Representative Lory withdrew his motion and moved to send it to a subcommittee. Representative Kemmis moved to amend on lines 19, 23, and on page 2, line 1 and line 4. (copy attached) The motion carried with the vote unanimous. Representative Kemmis suggested a new subsection. Representative Roth moved the amendment and the motion carried with the vote unanimous. (copy attached)

Representative Lory moved "do pass as amended" and the motion carried with the vote unanimous.

HOUSE BILL NO. 456: Representative Lory moved "do pass". Representative Scully explained the reasoning behind the introduction of the bill and the issue of the period of time the commissioner can serve.

Representative Daily moved to postpone consideration until another bill of similar content comes to the committee. The motion carried with Representative Rosenthal voting "no".

HOUSE BILLS NO. 368 and 390: Report from the sub-committee. Representative Kemmis said the members had decided the best way to handle them was to continue to keep them

Forty-Sixth LEGISLATIVE SESSION

COMMITTEE ON Judiciary - Senate

	BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON-CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CO CURRED IN DATE
193	HB-691	2/28/79	3/19/79	3/24/79						3/26/7
194	HB-860	2/28/79	3/19/79	3/20/79					3/19/79	
195	HB-865	2/28/79	3/12/79	3/20/79						3/15/7
196	HB-870	2/28/79	3/15/79	3/20/79					3/19/79	
197	HB-877	2/28/79	3/19/79	Tabled 3/19/79					3/21/79	
198	HB-879	2/28/79	3/13/79	transferred 3/13/79						
199	HB-975	3/1/79	3/15/79	3/15/79					3/15/79	
200	HB-156	3/3/79	3/13/79	Tabled 3/13/79						
201	HB-835	3/2/79	3/12/79	3/12/79					3/12/79	
202	HB-208	3/8/79	3/19/79	3/21/79						3/20/7
203	HB-559	3/9/79	3/13/79	3/13/79						3/13/7
204	HB-782	3/13/79	3/12/79	3/12/79					3/12/79	
205	HB-788	3/13/79	3/12/79	3/19/79					3/12/79	
206	HB-621 rerefer	3/12/79	3/19/79	3/19/79					3/19/79	
207	SJR-33	3/12/79								
208	HB-774	3/21/79	3/19/79	3/23/79	Ec Resolution		d Senate			3/21/79

Separate sheet for Senate, House Bills and Resolutions

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 15, 1979

The sixtieth meeting of the Senate Judiciary Committee was called to order in room 331 of the capitol building by Senator Everett R. Lensink on the above date at 9:30 a.m.

ROLL CALL:

All members were present.

CONSIDERATION OF HOUSE BILL 840:

This is an act to provide for justice's court jurisdiction over residential landlord-tenant disputes, etc. Representative Kathy McBridge from Silver Bow County gave an explanation of this bill and stated that this takes out unlawful detainer in landlord-tenant disputes.

Bob Pyfer, staff attorney for the Legislative Council, stated that they had no position on the bill and he stated exactly what the bill does.

Walter Jackovich, representing the Montana Landlords Association, gave a statement in support of this bill.

Gail Stoltz, representing the Montana Human Resources Development Council, stated that there was some problems in a couple areas of the state and asked that they change this and she stated they ended up with this bill hoping it would take care of the problems in Billings and Bozeman.

Bob Palmer, Missoula, stated that there was two years work in this act and it was worked on by both tenants and landlords. He stated that it was passed almost unanimously. He also said that this has support from all sides on this measure.

Jim Jensen, representing the Montana Magistrates Association, stated that they support this bill.

There were no further proponents and no opponents.

Senator Galt questioned what is unlawful detainer. Senator Towe answered that it was holding the property and not giving it up. He said that the tenant holds the property and does not give it up to the landlord and he can be subject to triple damages - that part was written into the landlord-tenants act.

There were a few questions concerning the bill by Senator Towe and the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 833:

This is an act to provide for the creation and conveyancing of solar easements. Representative McBride gave an explanation of this bill and stated that it deals with trying to gain accessability to the sunlight and she said that this becomes critical if you are investing money in solar heating. She said this provides for negotiation between neighbors and the recording of that contract between people is treated just as any other easement would be treated that was recorded. She stated that the easement is defined in terms of verticle and horizontal angles.

Ron Bogen, engineer for the Alternate Resource Association, gave a statement in support and said that the needs for this is pretty basic, stating that the sun does not shine from straight overhead all the time and all year. He said there is no proplem yet where people have built a large structure to block it off and this is to prevent that.

There were no further proponents.

Joe Crosswhite, representing Western Engineers' Trade Association, gave a statement opposing this bill and stated that what concerns him is that they have so many obstacles standing in the way of construction and many are just for the purpose of stopping the project.

Representative McBride gave a brief summary and the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 475:

This is an act to amend section 31-1-110, MCA, to change the interest rate on judgments from 6% per annum to 10% per annum. Representative Kemmis gave a statement and explained this bill.

Mike Meloy, representing the Montana Trial Lawyers' Association, stated that they support this bill and he said the section that provides 6 per cent was enacted in 1933. He said that the house considered the possibility of making this thing a floating rate geared to the present interest rates on loans. The problem is that that rate is keyed to 90 day paper and is a maximum. He testified that if you keyed it to that not only would have have a difference in rates on any given day, but you might end up with a 14 or 15 per cent rate and that is too high.

There were no further proponents and no opponents.

A question was asked as to how they would address the problem that interest might go back down again and this could be a very high rate of interest. Representative Kemmis stated that this was a problem he did think about and looked into the possibility of making it a floating rate. He said that we really have not seen a significant downward trend for a long time now and he felt that if we do see a downward trend in the future, maybe we should spend some time making it a floating rate.

Senator Towe stated that in 1974, interest rates were high and in 1975, they went back down again and he said that he thought it was very likely to happen again and then we might be stuck with an interest rate that is unreasonable before the next legislature convenes.

Senator Towe also questioned the effective date and wondered what was the intent - was it their intent that a judgment entered before July 1 would not be effected. Representative Kemmis said the intent was that it would apply on judgments entered after July 1.

Senator Lensink asked if they thought there was any possibility that the insurance company would come in and ask for a lower rate if the interest rate fell on the scenario they proposed.

There being no further questions or comments, the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 438:

This is an act to require an agency to prepare an estimate of the economic impact of proposed rulemaking upon request of the administrative code committee. Representative Ramirez said this was the product of the administrative code commission, of which he is a member, and he gave an explanation of this bill.

Chad Smith, representing the Montana Hospital Association, stated that they are in support of this bill. He stated that hospitals are the most heavily regulated of

DISPOSITION OF HOUSE BILL 475:

Senator Turnage said if a person is injured in an automobile accident, has $10,000.00 coming for a judgment, the insurance company can afford to appeal it when only pay 6 per cent for holding their money.

Senator Lensink suggested that it be amended to 8 per cent as he felt this would be a better middle figure.

Senator Towe moved that the bill be amended on line 12, by striking the "10" and inserting "8" and also on line 6. He further moved to amend on page 1, line 14 by inserting "Section 2. Effective date. This act shall apply to all judgments entered and unsatisfied as of July 1, 1979, except that a new rate of interest shall commence from July 1, 1979. The motions carried.

Senator Towe moved that this bill be concurred in as amended.

There being no further business, the meeting was adjourned at 11:26 a.m.

SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Date 2/05/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

March 15 19 79

MR. President

We, your committee on Judiciary

having had under consideration House Bill No. 475

Kammis (Anderson)

Respectfully report as follows: That House Bill No. 475

Third reading bill, be amended as follows:

1. Title, line 6.
Following: "To"
Strike: "10%"
Insert: "8%"

2. Page 1, line 12.
Following: "6%"
Strike: "10%"
Insert: "8%"

3. Page 1.
Following: line 13
Insert: "Section 2. Application. This act applies to all judgments entered before and remaining unsatisfied on July 1, 1979, except that the 8% interest rate becomes effective on July 1, 1979."

And, as so amended,
BE CONCURRED IN

XXXXXXX
DO PASS

STATE PUB. CO.
Helena, Mont.

EVERETT R. LENSINK Chairman.

Insert: "$19,843 in fiscal 1980 and $21,200 in fiscal 1981"

And as amended, be concurred in. Report adopted.

SB 372, third reading copy, second printing, be amended as follows: 4/9/79

1. Title, line 7.
Following: "EMPLOYERS;"
Insert: "DISQUALIFYING EMPLOYEES OF EDUCATIONAL INSTITUTIONS FOR BENEFITS DURING PERIODS BETWEEN REGULAR TERMS;"

2. Page 5.
Following: line 18
Insert: "SECTION 3. THERE IS A NEW MCA SECTION THAT READS:

Political subdivision tax levy to pay premiums. Notwithstanding any provisions of law to the contrary, all political subdivisions shall have authority to levy an annual property tax in the amount necessary to pay the premium for unemployment tax as herein authorized, even though as a result of such levy the maximum levy as otherwise restricted by law is exceeded thereby; provided that the revenues derived therefrom may not be used for any other purpose.

SECTION 4. THERE IS A NEW MCA SECTION THAT READS:

Nonpayment of benefits. Unemployment benefits based on service for an educational institution shall not be paid to an individual for any week of unemployment which begins during the period between 2 successive academic years or during a similar period between two regular terms, whether or not successive, if the individual has a contract to perform services in any capacity for the educational institution for both academic years or both terms."
Renumber: subsequent section

And as amended, be concurred in. Report adopted.

TAXATION (Huennekens, Chairman): 4/9/79
SB 50, be concurred in. Report adopted.
SB 177, be concurred in. Report adopted.
SB 325, be concurred in. Report adopted.
SB 463, be concurred in. Report adopted.

Adverse Committee Reports

TAXATION (Huennekens, Chairman): 4/9/79
SB 195, be not concurred in.
SB 312, be not concurred in.

REPORTS OF SELECT COMMITTEES

JOINT CONFERENCE COMMITTEE
ON HOUSE BILL NO. 475
Report No. 1, April 9, 1979

Mr. President and Speaker of the House:

We, your Joint Conference Committee on House Bill No. 475, met April 9, 1979, and considered:

1. Senate Committee on Judiciary amendments to the third reading copy, dated March 15, 1979.

We recommend that:

1. the Senate recede from Committee amendment numbers 1 and 2 and the House accede to the Committee amendment number 3;

2. the reference (engrossed) copy of House Bill No. 475 read as specified in CLERICAL INSTRUCTIONS;

3. the Conference Committee Report to House Bill No. 475 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 7.
Following: "~~10%~~"
Strike: "8%"
Insert: "10%"

2. Page 1, line 13.
Following: "~~10%~~"
Strike: "8%"
Insert: "10%"

FOR THE HOUSE:

KEMMIS
FAGG
VINCENT

FOR THE SENATE:

HAZELBAKER
BLAYLOCK
GALT

FREE JOINT CONFERENCE COMMITTEE
ON HOUSE BILL NO. 900
Report No. 1, April 9, 1979

Mr. President and Speaker of the House:

We, your Free Joint Conference Committee on House Bill No. 900, met April 9, 1979, and considered:

1. Senate Committee of the Whole amendments to the third reading copy, dated March 27, 1979.

We recommend that:

1. the House accede to Committee of the Whole amendment numbers 1, 2, 3;

2. House Bill No. 900 be further amended as indicated in CLERICAL INSTRUCTION number 1;

3. the Free Conference Committee Report to House Bill No. 900 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 1, line 21.
Following: "AND"
Insert: "the other shall be"

FOR THE HOUSE:

WILLIAMS
JOHNSTON
NATHE

FOR THE SENATE:

E. SMITH
KOLSTAD
THIESSEN

MESSAGES FROM THE OTHER HOUSE

House Bill and House Joint Resolution not concurred in as amended and

Dussault moved that SB 172 be taken from Second Reading and referred to the Committee on Rules. Motion carried.

Dussualt moved that the Conference Committee on Senate Amendments to House Bill No. 475 be dissolved and that the Speaker be authorized to appoint a Free Conference Committee of three to meet with a like committee from the Senate on HB 475. Motion carried.

Dussault moved that the Speaker be authorized to appoint a Free Conference Committee of three to meet with a like committee from the Senate on House Bill No. 483. Motion carried.

UNFINISHED BUSINESS

The Speaker appointed the following Free Conference Committee of three to meet with a like committee from the Senate on HB 190:

Harper, Chairman
Williams
Porter

The Speaker appointed the following Free Conference Committee of three to meet with a like committee from the Senate on HB 759:

Magone, Chairman
Bertelsen
Gesek

The Speaker appointed the following New Conference Committee of three to meet with a like committee from the Senate on Senate Amendments to HB 877:

Keedy, Chairman
Conroy
Stobie

The Speaker appointed the following Free Conference Committee of three to meet with a like committee from the Senate on SB 76:

Scully, Chairman
Ramirez
Kemmis

Dussault moved that the House adjourn until 1:30 p.m., April 12, 1979.

Motion carried.

House adjourned at 4:35 p.m.

HAROLD E. GERKE, Speaker

MARTHA B. McGEE, Chief Clerk

23. Page 25, line 13.
Following: "the"
Strike: "4%"
Insert: "8%"

24. Page 25, line 15.
Following: "of"
Strike: "4%"
Insert: "8%"

25. Page 25, line 19.
Following: "section,"
Strike: "4%"
Insert: "8%"

26. Page 25, line 25.
Following: "the"
Strike: "4%"
Insert: "8%"

27. Page 26, line 3.
Following: "the"
Strike: "4%"
Insert: "8%"

28. Page 26, line 5.
Following: "the"
Strike: "4%"
Insert: "8%"

And as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE JOINT CONFERENCE COMMITTEE ON HOUSE BILL NO. 475
Report No. 2, April 11, 1979

Mr. President and Speaker of the House:

We, your Free Joint Conference Committee on House Bill No. 475, met April 11, 1979, and considered:

1. Senate Committee on Judiciary amendments to the third reading copy, dated March 15, 1979.

We recommend that:

1. the Senate recede from Committee amendment numbers 1 and 2 and the House accede to the Committee amendment number 3;

2. House Bill No. 475 be further amended as indicated in CLERICAL INSTRUCTION number 3;

3. the reference (engrossed) copy of House Bill No. 475 read as specified in the CLERICAL INSTRUCTIONS;

4. the Conference Committee Report to House Bill No. 475 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 7.
Following: "~~10%~~"
Strike: "8%"

Insert: "10%"

2. Page 1, line 13.
Following: "~~10%~~"
Strike: "8%"
Insert: "10%"

3. Page 1, line 17.
Following: "THAT THE"
Strike: "8%"
Insert: "10%"

FOR THE HOUSE:

KEMMIS
FAGG
VINCENT

FOR THE SENATE:

HAZELBAKER
TOWE
GALT

FREE JOINT CONFERENCE COMMITTEE
ON HOUSE BILL NO. 616
Report No. 1, April 13, 1979

Mr. President and Speaker of the House:

We, your Free Joint Conference Committee on House Bill No. 616, met April 11, 1979, and considered:

1. Senate Committee on Local Government amendments to the third reading copy, dated March 19, 1979.

We recommend that:

1. the House accede to the Committee amendment numbers 1, 2, 3, 4, 5, 6, and 7;

2. House Bill No. 616 be further amended as indicated in CLERICAL INSTRUCTION numbers 1, 2, 3, 4, and 5;

3. the Conference Committee Report to House Bill No. 616 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 7.
Following: "7-5-4306,"
Insert: "7-7-2101,"

2. Page 3, line 3.
Strike: "3"
Insert: "5"

3. Page 5, line 10.
Strike: "3"
Insert: "5"

4. Page 5, line 20.
Strike: "3"
Insert: "5"

5. Page 9.
Following: line 13
Insert: "SECTION 12. SECTION 7-7-2101, MCA, IS AMENDED

Tropila, Uhde, Underdal, Vincent, Waldron, Williams, Wood, Wyrick, Yardley, Mr. Speaker.
Total 82

Noes: Feda, Pistoria, Rosenthal, Smith, Stobie.
Total 5

Excused: Fagg.
Total 1

Absent or not voting: Bardanouve, Brand, Daily, Dozier, Ellison, Holmes, Kanduch, Keyser, K. Robbins, Staigmiller, Thoft, Vinger.
Total 12

Free Conference Committee Report on House Bill No. 475 was adopted by the following vote:

Ayes: Anderson, Azzara, Baeth, Bengtson, Bennett, Bertelsen, Cooney, Curtiss, Dassinger, Day, Donaldson, Dozier, Dussault, Ellerd, Ellis, Ellison, Ernst, Eudaily, Fabrega, Feda, Frates, Gesek, Gilligan, Gould, Hand, Harper, Harrington, Hayne, Hemstad, Hirsch, Holmes, Huennekens, Hurwitz, Iverson, Jensen, Johnson, Johnston, Keedy, Kemmis, Kessler, Kropp, Kvaalen, Lien, Lory, Lund, McBride, Magone, Manning, Manuel, Marks, Menahan, Metcalf, Meyer, Moore, Nathe, Nordtvedt, Oberg, O'Connell, Pavlovich, Pistoria, Porter, Quilici, Ramirez, Reichert, H. Robbins, K. Robbins, Rosenthal, Sales, Schultz, Scully, Shelden, Sivertsen, South, Spilker, Staigmiller, Stobie, Teague, Thoft, Tropila, Uhde, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Yardley, Mr. Speaker.
Total 89

Noes: Burnett, Conroy, Roth, Seifert, Smith.
Total 5

Excused: Fagg.
Total 1

Absent or not voting: Bardanouve, Brand, Daily, Kanduch, Keyser.
Total 5

Free Conference Committee Report on House Bill No. 851 was adopted by the following vote:

Ayes: Anderson, Azzara, Baeth, Bengtson, Bennett, Bertelsen, Burnett, Conroy, Cooney, Curtiss, Dassinger, Day, Donaldson, Dozier, Dussault, Ellerd, Ellis, Ellison, Ernst, Eudaily, Fabrega, Feda, Frates, Gesek, Gilligan, Gould, Hand, Harper, Harrington, Hayne, Hemstad, Hirsch, Holmes, Huennekens, Hurwitz, Iverson, Jensen, Johnson, Johnston, Keedy, Kemmis, Kessler, Kropp, Kvaalen, Lien, Lory, Lund, McBride, Magone, Manning, Manuel, Marks, Menahan, Metcalf, Meyer, Moore, Nordtvedt, Oberg, O'Connell, Pavlovich, Pistoria, Porter, Quilici, Ramirez, Reichert, H. Robbins, K. Robbins, Rosenthal, Roth, Sales, Schultz, Scully, Seifert, Shelden, Sivertsen, Smith, South, Spilker, Staigmiller, Stobie, Teague, Thoft, Tropila, Underdal, Vincent, Vinger, Waldron, Williams, Wood, Wyrick, Yardley, Mr. Speaker.
Total 92

Noes: Nathe.
Total 1

Excused: Fagg.
Total 1

HOUSE BILL NO. 475

INTRODUCED BY KEMMIS, REGAN, GALT, YARDLEY,

IVERSON, S. BROWN, SCULLY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 31-1-110, MCA, TO CHANGE THE INTEREST RATE ON JUDGMENTS FROM 6% PER ANNUM TO ~~10%~~ ~~8%~~ 10% PER ANNUM."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 31-1-110, MCA, is amended to read:

"31-1-110. Interest -- judgment. Interest is payable on judgments recovered in the courts of this state at the rate of 6% ~~10%~~ ~~8%~~ 10% per annum and no greater rate. Such interest must not be compounded in any manner or form."

SECTION 2. APPLICATION. THIS ACT APPLIES TO ALL JUDGMENTS ENTERED BEFORE AND REMAINING UNSATISFIED ON JULY 1, 1979. EXCEPT THAT THE ~~8%~~ 10% interest rate becomes effective on July 1, 1979.

-End-

HB 475

REFERENCE BILL: Includes Free Joint Conference Committee Report Dated 4/4/79